

## **CITY OF KIRKLAND**

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 587-3800

---

### **DEPARTMENT OF PUBLIC WORKS PRE-APPROVED PLANS POLICY**

#### **Policy R-16: FENCES IN OR NEXT TO PUBLIC RIGHT-OF-WAY**

Kirkland Zoning Code (KZC) 115.40 and 115.115 establish location and other criteria for fences or fences combined with retaining walls installed on private property or in the public right-of-way. Fences are subject to sight distance requirements in KZC 115.135 and Policy R-13 – Intersection Sight Distance. Kirkland Municipal Code (KMC) 19.04.010 does not allow objects to be placed in public right-of-way that impedes vehicle or pedestrian travel, as applicable. Objects can include fences and/or retaining walls.

The purpose of Policy R-16 is to clarify situations not specifically identified in City Codes, such as where fences might meet criteria, but, because of other factors, create a potential traffic safety issue or unnecessarily restrict the public right-of-way. In other situations, fences might not meet prescriptive criteria and yet are not creating a traffic safety issue because of topography or other existing conditions. Public Works and/or the Planning Department are allowed to consider requests for special fencing situations on a case-by-case basis. Public Works can also take action to mitigate issues existing fences create in the public right-of-way, after considering the circumstances, consequences and benefits.

#### **Permit and Hold Harmless Agreement**

For a fence built in the public right-of-way, the fence owner must obtain a City Right-of-way Permit, sign a City Hold Harmless Agreement (Agreement) and the Agreement must be recorded. The City can revoke a Right-of-way Permit at any time. The Agreement informs the signatory the City will not be held responsible for any damages resulting from the construction of a fence within a public right-of-way.

#### **Special Considerations**

KZC 115 allows fences to be:

1. 3.5 feet in height within 3 feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk; or
2. No closer than 15 feet to any street curb or the edge of pavement if no curb exists, unless the location of the property line is closer than 15 feet; or
3. Fences over 3 feet in height are not allowed within the areas of a sight distance triangle on each side of streets or driveways at intersections.

However, Public Works can reduce the fence height to less than 3 feet and/or alter location criteria next to streets or existing driveways when fences in the public right-of-way would obstruct sight

distance in accordance with Policy R-13 - Intersection Sight Distance. If the fence is on private property, the City can enforce KZC 115.135 based on Policy R-13.

The combined height of fences plus retaining walls cannot exceed heights specified in KZC 115.115. In addition, these heights are also subject to KZC 115.135 and R-13.

### **Gate Requirements on Private Property Fences (for access to publicly maintained systems)**

Provide an access gate for the Public Works Department to inspect and maintain publicly maintained utility systems (example: storm drainage or sanitary sewer system) installed in a public utility easement that is located on private property. Gate specifications:

- Install the gate on private property fencing abutting the right-of-way.
- The location of the gate is either specified on the LSM or Building permit plans, and may be augmented by the Public Works construction inspector during construction.
- Gate width shall be a minimum of 12' wide, unless a larger gate is required by Public Works.
- Gate height shall be equal to the property fence (typically 6' tall).
- Gate material shall be equal to construction and appearance to the property fence.
- A Gate Keeper lock will be required to allow access to both the property owner and the City. Contact the Public Works construction inspector for details about the Gate Keeper lock.
- Maintenance of the gate, as with the property fencing, is the responsibility of the homeowner.